



1631

PATENT

Case Docket No. SCIOS.017A

Date: October 24, 2002

Page 1

In re application of : Stanton et al.
App. No. : 09/809,545
Filed : March 14, 2001
For : SECRETED FACTORS
Examiner : J. Martinell
Art Unit : 1631

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first class mail in an envelope addressed to: United States Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, on

October 24, 2002

(Date)

James J. Mullen III, Ph.D., Reg. No. 44,957

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith is a **Response to Restriction Requirement** in the above-identified application.

Enclosed for filing are:

- (X) Response to Restriction Requirement in 2 pages.
- (X) Return prepaid postcard.

The fee has been calculated as shown below:

| FEE CALCULATION | | | | | | | | | | |
|-------------------|--|----|---|--------|----------|--------|-------------|---|--------|-------|
| FEE TYPE | | | | | FEE CODE | | CALCULATION | | | TOTAL |
| Total Claims > 20 | | 26 | - | 26 = 0 | 1202 | (\$18) | 0 | x | 18 = 0 | \$0 |
| Independent > 3 | | 7 | - | 7 = 0 | 1201 | (\$84) | 0 | x | 84 = 0 | \$0 |
| TOTAL FEE DUE | | | | | | | | | | \$0 |

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SCIOS.017A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Stanton et al.

) Group Art Unit 1631

Appl. No. : 09/809,545

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Filed : March 14, 2001

For : SECRETED FACTORS

October 24, 2002

Examiner : J. Martinell

(Date) _____

James J. Mullen III, Ph.D., Reg. No. P 44,957

RESPONSE TO RESTRICTION REQUIREMENT

United States Patent and Trademark Office
P.O. Box 2327
Arlington, VA 22202

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Dear Sir:

In response to the requirement for restriction dated October 2, 2002, Applicants provisionally elect, with traverse, to prosecute the claims of Group I. Group I, as noted by the Examiner in the subject Official Action, comprises Claims 1-7 and 20-26, which are drawn to nucleic acids, vectors, oligonucleotide arrays, nucleic acid hybridization assays, and kits, classified in class 536, subclass 23.1 and class 435, subclasses 320.1, 252.3, 325, 69.1, and 6. Notwithstanding the provisional election, Applicants respectfully reserve the right to rejoin any cancelled claims in view of the rejoinder doctrine articulated by the Federal Circuit in *In re Ochiai*, 77 F.3d 1565 (1995), and in *In re Brouwer*, 77 F.3d 422 (1996), and as discussed in Section 821.04 of the MPEP.

Appl. No. : 09/809,545
Filed : March 14, 2001

No fees are seen as being necessary in connection with this Response. However, the Commissioner is authorized to charge any fees in connection with this paper to Deposit Account No. 11-1410. A copy of this response is attached for this purpose.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 24 OCT 2002

By: 

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